



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

July 10, 2020

Mr. Dan Swenson
Chief, Regulatory Branch
Baltimore District
U.S. Army Corps of Engineers
2 Hopkins Plaza
Baltimore, MD 21201

Dear Mr. Swenson:

This is in response to the U.S. Army Corps of Engineers (ACOE), Baltimore District, requests for water quality certification (WQC) under Section 401 of the Clean Water Act and coastal zone consistency determination pursuant to Section 307(c)(3)(A) of the Federal Coastal Zone Management Act of 1972, as amended, (CZMA) for the reissuance of the Chesapeake Bay Total Maximum Daily Load Regional General Permit NAB-2019-00527 (Bay TMDL RGP). Your requests were submitted to the Maryland Department of Environment (MDE) on April 13, 2020. The ACOE agreed to a July 24, 2020 deadline for Maryland to make a WQC and CZMA decision regarding the Bay TMDL RGP.

Attached you will find Maryland's Water Quality Certification and conditioned CZMA determination. Please take a moment to read and review your WQC and CZMA determination to ensure that you understand the limits of the authorized work and all of the general and special conditions.

This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

In accordance with 15 C.F.R §930.62, please note that the CZMA determination is conditioned upon compliance with the terms of the WQC. A conditional CZMA determination is considered as an objection to the proposed activity if the aforementioned WQC conditions are not acceptable to ACOE. Should ACOE object to these conditions and Maryland's consistency determination, it has 30 days from receipt of this determination to request that the Secretary of Commerce override the State's objection under 15 C.F.R. Part 930, Subpart H. The CZMA conditions are based on following Maryland Enforceable Policies: Core Policies 6 & 11, Water Quality Policies 2 & 6, Flood Hazards Policy 1, Living Aquatic Resources Policies 1,5,6,7 & 12, and Nontidal Wetlands Policy 1.

Dan Swenson

Page 2

Maryland appreciates the cooperation exhibited between Maryland and ACOE during this review process and looks forward to continued cooperation on all future matters. Please contact me if you have any questions. I can be reached at 410-537-3528 or by email at hnelson@maryland.gov

Sincerely,

A handwritten signature in cursive script that reads "Heather L. Nelson". The signature is written in black ink and is positioned below the word "Sincerely,".

Heather L. Nelson, Acting Program Manager
Wetlands and Waterways Program
Water and Science Administration

cc: Erica Schmidt, ACOE
Joseph Abe, DNR
Tony Redman, DNR